

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

ALBERT MCELHANEY,)	
)	
Petitioner,)	
vs.)	NO. CIV-15-0923-HE
)	
WARDEN BEAR, et al.,)	
)	
Respondent.)	


ORDER

Petitioner Albert McElhaney, a state prisoner appearing *pro se*, filed this action seeking habeas relief. Consistent with 28 U.S.C. § 636, the matter was referred for initial proceedings to Magistrate Judge Gary Purcell. The magistrate judge has issued a Report and Recommendation recommending that petitioner's application to proceed *in forma pauperis* be denied. He concluded petitioner has sufficient funds to prepay the \$5 filing fee and recommended that the action be dismissed without prejudice unless he paid the fee in full. Petitioner did not object to the Report and Recommendation, but rather paid the \$5 filing fee on September 22, 2015. *See* [Doc. #6].

Accordingly, the court **ADOPTS** the Report and Recommendation, **DENIES** petitioner's motion to proceed *in forma pauperis* [Doc. #2] and refers the matter back to Magistrate Judge Purcell for further initial proceedings.

IT IS SO ORDERED.

Dated this 24th day of September, 2015.



JOE HEATON
UNITED STATES DISTRICT JUDGE